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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/313,131	05/17/1999	ERAN STEINBERG	4473-27	3485

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 06/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/313,131

Applicant(s)

STEINBERG, ERAN

Examiner

LUONG T NGUYEN

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 3-5, 11, 17-21, 30, 53-59.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed on 4/27/2004 have been fully considered but they are not persuasive.

In re page 9, Applicant argues that Ilcisin describes an active role that sends identification in the initiation of a call, which is part of a "hand shake" or establishment of a call session. In contrast, in the present invention, the camera (transmitter) takes a passive role. As described in the description of FIG. 6A, the camera identifies itself to the message center as being "on line" when turned on, even though the camera is not actively trying to send data out.

In response, regarding claim 1, it is noted that the feature "the camera identifies itself to the message center as being "on line ", even though the camera is not actively trying to send data out," as described in the description of FIG 6A, is not recited in claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. In stead, regarding claim 1, the Applicant claimed the limitation "an automatic signal transmission apparatus for automatically causing the transceiver to transmit a message request signal to the message apparatus **conveying an identification of the camera apparatus when the transceiver is turned on.**" The Examiner considers that Reeley et al. does not this feature. However it is well known in the art to operate a videophone system in such a manner, as disclosed in Ilcisin et al. in order to make sure that necessary messages are received by the person initiating the call (See Column 2, Line 49 through Column 3, Line 12 and note that a camera's identification is inherently conveyed in the initiation of a call from the particular apparatus with which the camera is associated). Such a provision for the Reeley et al. device

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would clearly increase its utility by increasing the kinds of information available to the users of the videophone network.

In re pages 9-10, Applicant argues that one skill in the art, e.g., a traditional camera manufacture, would not have any incentive or motivation to look to Itakura for solutions to the problem of how to promote an ongoing business relationship with customers after sale of the camera.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Reeley et al. and Ilcisin et al. fail to specifically disclose the messaging apparatus in said camera apparatus and said message center allows said service provide to promote an ongoing business relationship with said user after sale of said camera apparatus. However, Itakura et al. disclose a communication system for distributing such message as advertisement to user of terminal equipment, in which in the pay system 35 (billing center), the message distribution apparatus 39 (message center) transmits messages regarding goods, such as advertisement to the network including terminal 10 (Figure 1, Column 7, line 50 through Column 8, Line 25). In addition, Itakura et al. also disclose that the user may access the communication network to buy goods (such as "ski suit", goods may be camera), and the system provider can

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reliably **provide update information to users** (Column 25, Lines 45-65, service provide to promote an ongoing business relationship with said user after sale of said camera apparatus). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Reeley et al. and Ilcisin et al. by the teaching of Itakura et al. in order to allow users find advertisements for goods or services, which match their interests, and advertisers can efficiently provide messages to potential users who have a high probability of purchasing their goods (Column 3, Lines 48-52).

The newly added limitation "grouping" in claim 53 (line 9) raise new issues that would require further consideration and/or search.


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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LN LN  
5/24/2004

  
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